

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MATTHEW HAYWARD,
Plaintiff,

v.

LINCOLN LIFE ASSURANCE COMPANY
OF BOSTON; and MASSACHUSETTS
FINANCIAL SERVICES COMPANY
LONG TERM DISABILITY PLAN,
Defendants.

C.A. No. 1:22-cv-11583 ADB

**JOINT STATEMENT TO STAY PENDING
VOLUNTARY REMAND REVIEW**

The Parties—Plaintiff Matthew Hayward (“Plaintiff”) and Defendant The Lincoln National Life Insurance Company f/k/a Lincoln Life Assurance Company of Boston (“Lincoln”)—hereby request that this Court stay this action pending a voluntary, post-filing remand review. In support of this motion, the Parties jointly state:

1. This is an action for certain disability benefits under an employee benefit plan insured by a group long-term disability insurance policy (“Group Policy”) issued by Lincoln. As such, this action is governed by the Employee Retirement Income Security Act of 1974 (“ERISA”), 29 U.S.C. § 1001 *et seq.*

2. Through the Parties’ informal discussions, Lincoln has agreed to provide—and Plaintiff has agreed to accept—a voluntary, post-filing remand review of Plaintiff’s claim for benefits (“voluntary remand review”) before proceeding further with this district court action.

3. Staying this action to allow the Parties to complete the agreed upon voluntary remand review, as requested, may, depending upon the outcome of that review, moot this case, resolve Plaintiff’s substantive claim for allegedly-due benefits without the need for further

judicial intervention, or otherwise substantially narrow the issues currently before the court. Accordingly, allowing the requested stay would promote judicial economy, the conservation of the Parties' resources, and advance the important efficiency considerations that underlie ERISA's statutory scheme. *See, e.g., Conkright v. Frommert*, 559 U.S. 506, 517 (2010) (citing *Varsity Corp. v. Howe*, 516 U.S. 489, 497 (1996)).

4. Plaintiff will submit any documentation he would like Lincoln to review in connection with its voluntary remand review on or before August 15, 2023. The voluntary remand review will be deemed to commence on that date or on the date Lincoln receives Plaintiff's written submission, whichever is earlier. The voluntary remand review will proceed in accordance with the ERISA Claims Regulations set forth at 29 C.F.R. § 2560.503-1.

5. The Parties propose to provide the Court with periodic updates as to the status of the voluntary remand review process every ninety (90) days, and they will provide a final update proposing appropriate next steps within fourteen (14) days of Lincoln's issuance of a final determination.

6. Both Parties assent to this Motion and agree that the requested stay will not prejudice the rights of either Party.

For the foregoing reasons, the Parties respectfully request that this Court stay this action, and all current pretrial deadlines, pending the Parties' completion of the above-described voluntary remand review. Respectfully submitted,

MATTHEW HAYWARD,

By his attorney,

/s/ M. Katherine Sullivan

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LAW OFFICE OF KATHERINE
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DEFENDANT THE LINCOLN NATIONAL
LIFE INSURANCE COMPANY f/k/a/
LINCOLN LIFE ASSURANCE COMPANY
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By its attorneys,

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Dated: June 26, 2023

CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2023, I caused the within document to be electronically filed through the CM/ECF system, and it will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

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